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LETTER DATED 28 SEPTEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon authorization, I have the honour to submit the present letter with regard to the facts, which in the report on the activities of United Nations Command (S/24466) and "Special report" (S/24467) were extremely distorted.

In its report the "United Nations Forces" side of the Military Armistice Commission (MAC) distorted the fact as if the Korea-China side is responsible for the paralysis of the cease-fire-supervising mechanism.

The responsibility for the paralysis of the functions of MAC lies in that the United States side appointed a South Korean army "General" as senior member of the "United Nations Forces" side, which is neither a signatory to the Armistice Agreement nor a member of the "United Nations Forces". This is entirely illegal.

Paragraph 20 of the Armistice Agreement 1/ stipulates that the Military Armistice Commission shall be composed of 10 senior officers, 5 of whom shall be appointed by the "Commander-in-chief" of the United Nations Command.

This means that the senior member of MAC should be appointed from the "United Nations Forces", a signatory to the Armistice Agreement, not from any side which is not a signatory to the Armistice Agreement. This is an all too self-evident truth.

We have so far allowed the United States side to bring the South Korean army "General" to the conference room of MAC and to sit with him. This was intended to make the Armistice Agreement binding on the South Korean army, which opposed the signing of the Armistice Agreement and has not recognized it.

Under the circumstances, the Korea-China side clarified its position that a South Korean army "General" cannot be a senior member of the "United Nations Forces" side, which is responsible for the implementation of the Armistice Agreement and it presented to the "United Nations Forces" side repeated proposals that, if the United States is to sit a South Korean army

"General" as our counterpart, there should be at least a subsequent legal and institutional mechanism for that and that the necessary negotiations be held for that purpose.

Nevertheless, the "United Nations Forces" side created a serious situation by refusing even such proposals and "appointing" a South Korean army "General" without any qualification and authority as "senior member" which has been occupied by the United States General for the last 38 years, in which it is impossible to hold meetings of MAC and exchange telephone messages and letters signed by the senior member.

The same can be said of the malfunction of the joint inspection team to inspect the recent incident violating the Armistice Agreement for which the United States side blamed the Korea-China side. The Korea-China side is not responsible for breaking off the implementation of the joint inspection. In April 1987 the United States side committed a crime by which five civil policemen of our side, who were on routine patrol duty in the demilitarized zone (DMZ), were brutally shot to death.

This was proved by the joint inspection, but the United States side has not submitted any special report on that until today. Therefore the joint inspection team has not been in operation.

The "United Nations Forces" side mentioned in its "Special report" the so-called "incident of infiltration" of armed personnel which was claimed to have occurred on 22 May 1992. As for the "incident", it has nothing to do with us. It has already been widely known in the world as a drama concocted by the South Korean authorities to put a break on the wheel of the favourably developing North-South dialogue.

The fact that with the announcement of the "incident" the "United Nations Forces" side put up a "General" of the South Korean army in the conference room of MAC, who is not qualified to be a "senior member", and kicked up a row by submitting a "Special report" concerning it makes us believe that the real intention of the United States side is to shift the responsibility of the malfunction of MAC to our side. The United States side is also totally responsible for the malfunction of the Neutral Nations Supervisory Commission (NNSC).

Our position in this regard has been clarified in the memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea dated 19 September 1991, delivered to the States members of NNSC (see annex).

I believe that you will pay due attention to the current changed situation on the Korean peninsula and make every effort to solve the Korean question peacefully.

I would be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

Notes

1/ See Official Records of the Security Council, Eighth Year, Supplement for July, August and September 1953, document S/3079.

Annex

Memorandum dated 19 September 1991 from the Ministry of Foreign Affairs of the Democratic People's Republic of Korea

The Ministry of Foreign Affairs of the Democratic People's Republic of Korea, deeply concerned over the present situation of the Neutral Nations Supervisory Commission (NNSC), clarifies its position with regard to the memorandum of the States members of NNSC dated 6 September 1991 as follows:

1. The Ministry shares the view of the NNSC member States that the Armistice Agreement of July 1953 is the only internationally recognized legal instrument maintaining peace on the Korean peninsula, that NNSC was established together with the Military Armistice Commission (MAC) as an implementing agency for the Armistice Agreement and that the existence and functioning of NNSC constitute an integral part of the Armistice regime.

2. The Ministry appreciates the positive contribution NNSC has made over the years in defusing the tension, ensuring peace and preventing the recurrence of war on the Korean peninsula.

3. The Ministry shares the view that recently it has become difficult for NNSC properly to execute its mandate under the Armistice Agreement, and makes it clear that the "United Nations Command" side is totally responsible for this situation.

NNSC is duty-bound to supervise, observe and inspect the introduction of military personnel and operational equipment into Korea and to report its results to MAC.

For this purpose, NNSC functioned through its 10 inspection teams stationed in the designated areas of the north and south of Korea.

The "United Nations Command" side has systematically paralysed the functions of NNSC.

(a) The "United Nations Command" side forcefully withdrew the Neutral Nations inspection teams from its areas on 9 June 1956 when the inspection teams exposed the violations of the Armistice Agreement by the "United Nations Command";

(b) The "United Nations Command" side on 21 June 1957 unilaterally broke off the implementation of subparagraph 13 (d) of the Armistice Agreement, which ceases the introduction into Korea of reinforcing operational equipment;

(c) The "United Nations Command" side has not submitted to NNSC its reports on the replacements of operational equipment since 21 June 1957;

(d) Since then, NNSC could not execute its mandate under the Armistice Agreement and NNSC has, in fact, become a nominal entity;

(e) On 25 March 1991, the "United Nations Command" side designated as its senior member a South Korean army "General" who has neither legal justification nor qualification from the viewpoint of the Armistice Agreement, because of which the functioning of MAC has been paralysed and NNSC, integrally related to MAC, has been placed in a helpless position in that it cannot perform any duties with no object of its functioning.

4. The Ministry agrees with the view that any changes of and amendments or additions to the Armistice Agreement should be mutually agreed upon by the parties signatory to the Agreement as provided for in its article V and clarifies that the "United Nations Command" side has outrageously violated article V of the Armistice Agreement.

(a) In June 1956, the "United Nations Command" side turned down the proposal of the side of the Korean People's Army and the Chinese People's Volunteers to resolve, through mutual agreement of the Commanders of the opposing sides in accordance with article V of the Armistice Agreement, the issue of withdrawing the Neutral Nations inspection teams stationed at the appointed ports of entry under paragraph 43 of article II of the Armistice Agreement and unilaterally forced them to withdraw;

(b) On 21 June 1957, the "United Nations Command" side unilaterally broke off the implementation of subparagraph 13 (d) of the Armistice Agreement ceasing the introduction into Korea of reinforcing operational matériel without any prior negotiations with the side of the Korean People's Army and the Chinese People's Volunteers in violation of article V of the Armistice Agreement and did not submit to NNSC its report on the replacements of operational matériel;

(c) The "United Nations Command" side shelved and failed to respond to the proposal from the side of the Korean People's Army and the Chinese People's Volunteers to hold negotiations for setting up a legal institutional mechanism necessary for the replacement of the senior member of the "United Nations Command" side to MAC with a totally disqualified South Korean army "General" if it wanted to do so.

5. The Democratic People's Republic of Korea has attached importance to the existence of NNSC and striven to enhance its authority.

(a) The side of the Korean People's Army and the Chinese People's Volunteers to MAC has for over 30 years submitted its report on replacements of operational equipment to NNSC unilaterally although the "United Nations Command" side has never done so since 21 June 1957;

(b) The side of the Korean People's Army and the Chinese People's Volunteers has continuously submitted to NNSC its reports on the rotation of military personnel, although this was of no necessity as the Chinese People's Volunteers completed their withdrawal in 1958;

(c) The Democratic People's Republic of Korea has in the past made proposals to enhance the authority of NNSC but has received no response from the "United Nations Command" side.

6. The fate and the future of NNSC depend entirely on the "United Nations Command" side, which has incapacitated NNSC from executing its mandate.

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Agenda item 8
ADOPTION OF THE AGENDA AND
ORGANIZATION OF WORK

SECURITY COUNCIL
Forty-seventh year

Letter dated 28 September 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit, enclosed herewith, a letter addressed to you by Mr. Ilija Djukic, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under agenda item 8, and of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

ANNEX

Letter dated 28 September 1992 from the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia to the Secretary-General

I am writing to you in connection with the letter dated 25 September 1992 addressed to you by the Permanent Representatives of Bosnia and Herzegovina and Croatia (A/47/474).

I should like to point out that the interpretation of Security Council resolution 777 (1992) of 19 September 1992 and General Assembly resolution 47/1 of 22 September 1992 contained in that letter is both unfounded and erroneous. Not only that it is contrary to the provisions of the relevant resolutions but also to the general thrust prevailing at the time of their adoption.

In that regard, I should like to emphasize the following:

1. Resolution 47/1 stipulates Yugoslavia's non-participation in the work of the General Assembly. This decision does not affect its membership in the United Nations and therefore the question of the flag and the name-plate of Yugoslavia in the General Assembly should not be brought up. The fact that the flag and the name-plate remained in place after the adoption of General Assembly resolution 47/1 indicates that the Secretariat of the United Nations has rightly interpreted the provisions of the above-mentioned resolution.

2. The spokesman for the President of the General Assembly also pointed out, on 23 September 1992, that this situation was not a question of membership but a question of the participation of the Government of Yugoslavia in the work of the General Assembly and that the flag and the name-plate would remain in place.

3. In interpreting the said resolution one should also be guided by the opinion of its authors. In this connection, it would be helpful to quote the statement by the representative of the United Kingdom of Great Britain and Northern Ireland who, in introducing the draft resolution in the General Assembly, said that [the decision that the Federal Republic of Yugoslavia should not participate in the work of the General Assembly] "means in particular that no representative of the Federal Republic of Yugoslavia (Serbia and Montenegro) will sit in the seat of Yugoslavia in any organ of the Assembly" (A/47/PV.7). This clearly implies that the seat and name-plate of Yugoslavia remain in place in the General Assembly in the view of the authors of the relevant resolution.

4. At the time when the Security Council made the recommendation (resolution 777 (1992), the representative of the Russian Federation, in explaining his vote, said: "The decision to suspend the participation of the Federal Republic of Yugoslavia in the work of the General Assembly will in no way

affect the possibility of participation by the Federal Republic of Yugoslavia in the work of other organs of the United Nations, in particular the Security Council, nor will it affect the issuance of documents to it, the functioning of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations or the keeping of the name-plate with the name Yugoslavia in the General Assembly Hall and the rooms in which the Assembly's organs meet" (S/PV.3116).

The Chinese representative said that resolution 777 (1992) "does not mean the expulsion of Yugoslavia from the United Nations. The name-plate 'Yugoslavia' will be kept in the General Assembly Hall. The Federal Republic of Yugoslavia will continue its participation in the work of United Nations bodies other than the General Assembly. The Federal Republic of Yugoslavia will continue to issue its documents in the United Nations" (S/PV.3116).

In view of the above, we are convinced that there are no legal grounds whatsoever for requests to remove the name-plate and flag of Yugoslavia. The recommendation of the Security Council, the decision of the General Assembly and the ensuing debates unambiguously indicate that the decision in question deals exclusively with Yugoslavia's non-participation in the work of the General Assembly.

(Signed) Ilija DJUKIC
Federal Minister for Foreign
Affairs of the Federal Republic
of Yugoslavia

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FURTHER REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTIONS 743 (1992) AND 762 (1992)

INTRODUCTION

1. The present report is submitted to the Security Council pursuant to resolutions 743 (1992) of 21 February 1992 and 762 (1992) of 30 June 1992. Its purpose is to provide the Council with updated information relating to the progress made by the United Nations Protection Force (UNPROFOR) in the implementation of the mandate entrusted to it in Croatia under the United Nations peace-keeping plan (S/23280, annex III), as well as in the implementation of resolution 762 (1992), which called for the establishment of a Joint Commission to oversee the return of Croatian authority to certain areas of Croatia known as the "pink zones". The report brings to the Council's attention a number of major difficulties that have faced UNPROFOR in the United Nations Protected Areas and adjoining regions since the submission of a previous report on these matters on 27 July 1992 (S/24353). It contains information available up to 1800 hours New York time on Friday, 25 September 1992.

I. VIOLATIONS OF THE CEASE-FIRE

2. Since my report of 27 July 1992, the situation along the confrontation line has been generally stable, although there have been some incidents of significance and occasional small arms fire. However, tension has been high in Sector South, particularly in the areas of the Peruca Dam, Miljevci Plateau (where there was a Croatian Army incursion on 21 June 1992) and Zemunik airport; in these areas heavy machine-guns and light mortars have sometimes been used.

3. The major incidents that have generated considerable tension have been as follows:

(a) On 7 August 1992, fighting erupted in an area adjacent to the south-eastern portion of Sector West, apparently due to attempts by armed elements from the Croatian side to cross the Sava River and attack Bosnian Serb elements south of the river. United Nations troops in the area were

caught in an exchange of fire that included use of tanks, artillery and mortars; fortunately, there were no United Nations casualties. A significant feature of this incident was that nine bodies in a variety of uniforms found on the southern side of the Sava River were not claimed by either side, which gave rise to suspicion that they may have been those of mercenaries;

(b) On 13 August 1992, a group of Serbs, from the village of Markusica in Sector East, who were attempting to harvest maize in an area just across the confrontation line, were attacked by the Croatian Army. Four were killed and 19 taken prisoner. The situation was defused by prompt action by UNPROFOR, which also secured the release of the 19 individuals;

(c) On 21 August 1992, three Serb so-called "border militia" personnel were shot dead in the vicinity of the confrontation line in Sector East;

(d) In the last week of August 1992, a large group of armed personnel, who were attempting to infiltrate through Sector North into the Bihac-Cazin area in Bosnia and Herzegovina, were engaged by the local Serb militia and a number were killed or captured. Prisoners interviewed by UNPROFOR said that they had been mobilized and trained by the Croatian Army in certain areas in Croatia and were being infiltrated in small groups into Bosnia and Herzegovina to join in the fighting there. This matter was raised with President Tudjman of Croatia on 31 August 1992 by Under-Secretary-General Marrack Goulding. The President said that such practices would no longer be permitted. Tension in the area, however, remains high and the incident has been used by the Serbs in the United Nations Protected Areas to substantiate their fears of attacks launched against them from Croatian-held territory.

II. PROBLEMS THAT HAVE ARISEN IN THE UNITED NATIONS PROTECTED AREAS

A. Demilitarization

4. The first two phases of demilitarization proceeded well. The Yugoslav People's Army (JNA) completed its withdrawal from Croatia, with the single but significant exception of the Dubrovnik area, and the Territorial Defence Forces demobilized, placing their weapons in storage depots under a double-lock system. However, the complete demilitarization of the United Nations Protected Areas has been delayed by a violation of the United Nations plan, which was referred to in my report of 27 July. This is the creation of new Serb militia forces designated variously as "Special Police", "Border Police", or "Multi-purpose Police Brigades", made up of former members of JNA, the Territorial Defence Forces and irregular elements, which may total as many as 16,000 armed men, equipped with armoured personnel carriers, mortars and machine-guns. The authorities of the so-called Republic of Serbia Krajina (hereinafter referred to as the "Knin authorities") claim these are police units. The Force Commander considers that their level of armament and their almost total ignorance of police work show that, in reality, they are paramilitary forces. UNPROFOR has vigorously protested this violation of the

United Nations plan and has pressed repeatedly for the demobilization of those newly created units and for the regular police to be armed only with side-arms, in accordance with the plan.

5. These efforts have largely succeeded in Sector West but not yet in the other sectors. In late July, in Sector East, UNPROFOR tried to resolve the problem by more forceful means. A brigade of "Special Police" were blocked in the north-western corner of the Baranja by elements of the Belgian battalion. At the same time, a large number of "border police" were blockaded by the Russian battalion in the area between Lipovac and Marinci. In each case, the situation deteriorated rapidly and, to avoid bloodshed, it was decided to suspend the use of force and further negotiations ensued. This led to the surrender of approximately 500 personal weapons to the Belgian battalion. Since that time, however, these so-called "police" have continued to resist disarmament and have become increasingly hostile to UNPROFOR personnel.

6. UNPROFOR has increased its efforts to protect the non-Serb populations from "ethnic cleansing" by the paramilitary units. As described in paragraphs 10 to 18 below, they engage in acts of terrorism against minorities, especially in Sector East and, to a lesser extent, in Sector South and appear to enjoy complete impunity. In Sector East, other armed elements, reportedly controlled by unidentified persons in Belgrade, add to UNPROFOR's problems. It is notable that the victims of some of these lawless gangs are themselves Serbs of a more moderate political persuasion.

7. The justification given by the Knin authorities for these forces is that they are needed to defend Serb-controlled areas from attacks and infiltration by the Croatian Army. General Nambiar has repeatedly stressed to the authorities in Belgrade and Knin that it is UNPROFOR that exercises the protection function in the United Nations Protected Areas and that the presence of these paramilitary units is contrary to the United Nations plan and has caused the Croatian Army to retain some of its forces at the confrontation line. As a result clashes continue to occur along the line, fuelling intercommunal tension in the United Nations Protected Areas.

8. On 4 September Under-Secretary-General Goulding reached an agreement with the Knin authorities that demobilization of these forces would be undertaken in accordance with an agreed timetable. It was subsequently agreed on 11 September that this would be done in two stages. In the first stage, by 20 September 1992, all militia personnel, other than regular civil police, were to be confined to barracks within the United Nations Protected Areas, with their weapons. They would not leave the barracks in uniform or carrying weapons. In the second stage, to take place by 15 October 1992, all militia personnel, other than regular civil police, were to be demobilized, with all militia weapons being deposited in designated storage areas under UNPROFOR control and supervision.

9. Despite the passage of the deadline for the first stage of this process, however, demilitarization has not begun. The authorities in Knin, who nominally control those elements, have stated that they cannot comply with the

agreement because of Croatian Army behaviour and the alleged inability of UNPROFOR to control the situation. Not only is there no evidence that the Knin authorities intend to honour the agreement, but new units are being mobilized in Sectors East and South, allegedly to prepare for supposedly imminent Croatian attacks on these areas. The "Minister of the Interior" in Knin has told UNPROFOR that the Security Council should be informed that the Vance plan and resolution 762 (1992) must be amended because it is not acceptable in its present form. Repeated efforts by senior UNPROFOR personnel to obtain compliance with the plan and the 4 September agreement have so far proved to no avail.

B. Acts of terrorism

10. As is evident from the preceding paragraphs, the situation in Sector East has not improved since my report of 27 July 1992. On the contrary there has been a general breakdown of law and order, with no functioning court system. Acts of harassment, intimidation and aggression against the non-Serb population have continued and have indeed been on the increase in the Baranja region. While terrorism is mostly directed against non-Serbs, on 29 August four Serb militiamen were killed by other Serbs, and three villagers were wounded. Cease-fire violations, and incidents such as the shooting on 13 August 1992 of four elderly Serbs at Markusica by the Croatian Army (see para. 3 (b) above), have also contributed to a rise in intercommunal tension.

11. There has also been a marked deterioration in the economic situation. Unemployment, accompanied by crime, is on the increase. The victims are often old people who are unable to protect themselves and their property. A number of brutal murders have occurred, frequently at the hands, or with the collusion, of the "Special Police". The impact on Sector East of the sanctions imposed by the Council on Serbia and Montenegro under resolution 757 (1992) suggests that the economic situation will worsen in the next few months.

12. Non-Serbs have been particularly affected by the economic decline. They are the first to be dismissed, either for genuine economic reasons or so that their jobs can be taken by newly arrived Serb refugees. As noted above, the practice of "ethnic cleansing" has not been eradicated, despite continuous UNPROFOR efforts, and non-Serbs continue to be coerced into signing away their property and rights of residence. The Force Commander has also reported that urgent humanitarian assistance is needed, not only for non-Serbs but also for the deprived Serb population.

13. In the Croatian-controlled part of Sector West there has been a slight improvement in the situation. For instance, there have been fewer recent incidents of the burning of Serb houses. However, numerous cases of intimidation and arrest of Serb residents by the Croatian authorities have been documented. Some Serbs have been removed from UNPROFOR protection to the military prison in Bjelovar, outside the Sector, before being involuntarily

exchanged as "prisoners-of-war", an indirect form of expulsion. The United Nations Civilian Police (UNCIVPOL) has obtained evidence, including photographic and medical evidence, of very serious beatings of several Serbs while in custody. This evidence has been presented to the Croatian authorities, and UNPROFOR has been advised that it has been delivered to the Public Attorney's Office for further proceedings. A confidence-building programme initiated by UNPROFOR, whereby persons from both sides of the Sector can meet on certain days at UNPROFOR checkpoints, is being undermined by open interference and harassment of the visitors by Croatian local police and military police.

14. In Sector South also, there has been a deterioration in law and order with an increase of incidents against the non-Serb population, including the burning and destruction of houses and churches, looting, acts of intimidation, aggression and even murder. These events have often been matched by similar actions against Serbs across the confrontation line.

15. In Sector North, the non-Serb population is now very small. This has made it possible for UNPROFOR personnel to monitor their situation closely and may be one of the reasons why there is no evidence of the intimidation and terrorism that has occurred in other sectors. Acts of violence in this sector seem to relate more to spill-overs of the fighting in Bosnia and Herzegovina, incidents along the cease-fire line with Croatian forces and incursions (or fears of incursion) from Croatia and Bosnia and Herzegovina.

16. Few, if any, of the acts of terrorism described above have led to the prosecution and punishment of the offenders. UNPROFOR's civilian police have prepared numerous documented reports of atrocities, in many of which members of the militia forces have been implicated. These have been conveyed to the local authorities as well as to the authorities in Belgrade. While Belgrade disclaims jurisdiction, the local police and judicial authorities in the United Nations Protected Areas have not taken action in a single case. On the contrary, one terrorist who committed three consecutive murders in Sector East was released after each such event and eventually conveyed out of the Sector by the local police. The courts and the remaining professional police themselves appear intimidated by the irregular forces. On 21 September, a judge in Sector East told representatives of UNCIVPOL that he had closed his court because it was no longer possible for him to function.

17. The regular civil police in the United Nations Protected Areas, though often well-trained and professional, are inactive, and seem more or less impotent in the face of the "Special Police". Some professional police chiefs have been dismissed and replaced by extremists who know nothing of police work, but a great deal about intimidation. The overall failure to cooperate with UNPROFOR has undermined UNPROFOR's ability to fulfil its police monitoring functions. There are, of course, exceptions; but an operation which is dependent upon the cooperation of the local authorities is substantially weakened when such cooperation is not forthcoming.

18. It thus appears that no system of law and order exists in the United Nations Protected Areas. Indeed this was admitted to UNPROFOR, in respect of Sector East especially, by a senior member of the Knin authorities on 7 August 1992. In this situation the role of UNCIVPOL has become even more important. Its monitoring role may have been diminished by the lack of police activity to monitor, but increasing numbers of the local population are turning to UNCIVPOL for assistance - as victims of crime, for security, or for humanitarian help. This is happening despite sustained and threatening campaigns, especially in Sector East, by radio, pamphlets and other means, to dissuade the local population from contacting UNCIVPOL.

C. Return of refugees and displaced persons

19. A central element of the United Nations plan is the voluntary return of refugees and displaced persons to their places of origin. This return must be coordinated with the Croatian Government, the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNPROFOR; it also requires the cooperation of the local authorities in the areas of return and that adequate security conditions be established there. For these conditions to be achieved, the first essential step is progress in the disarming and demobilizing of the "Special Police". Since such conditions have not yet been established, it is not possible at this time to proceed with a general return.

20. The possibility of pilot programmes for a limited number of returns to a few selected villages has been studied by UNPROFOR in conjunction with UNHCR. It has been concluded that such programmes could be undertaken in Sector West, and possibly in Sector North, but not at this time in Sectors East and South. They could also be effected in parts of the "pink zones".

21. In Sector West, two villages have been identified for such a programme in that part of the Sector that is under the Croatian local authorities, and two in the part of the Sector under Serb local authorities. At the same time, there has been an encouraging development in this Sector, involving daytime visits by refugees from one side of the Sector to the other to start work on the rehabilitation of their houses. It also seems possible to initiate steps towards the implementation of a similar pilot project in Sector North. One village has been identified for this purpose. It is predominantly Croatian and there is an UNCIVPOL station close by. The final details for the initiation of these programmes are currently being discussed by UNPROFOR and UNHCR with the authorities concerned.

22. The Croatian Government has agreed with the principle that the return of refugees must await the establishment of adequate security conditions but is pressing hard for those conditions to be established as soon as possible. However, constant agitation by the media and certain political authorities for immediate return is building up dangerous pressures, with arbitrarily chosen and unilaterally proclaimed timetables for return and advertised mass marches to the sectors. UNPROFOR has told the authorities that such process of return must be voluntary and that any exploitation of the deep and very

understandable desire of people to return to their homes is irresponsible. Ill-timed and uncoordinated returns could lead to a further disaster. The Croatian Government has, despite these interventions, told UNPROFOR that several thousand displaced persons will seek to force their way back into Sector East on 30 September. At a public meeting with UNPROFOR on 24 September, the Commander of the Croatian Army indicated that his troops would support this attempt and that he accepted that there could be casualties. Mobilization of Serb forces in the Sector, which had already begun, has now become general. UNPROFOR, seeking by all available means to defuse this contrived situation, has publicly indicated that it will do all it can to protect the innocent, but has stated that it will accept no responsibility for what may follow. Mr. Vance and Lord Owen have conveyed to the Croatian authorities their grave concern about this situation.

III. THE DUBROVNIK AREA

23. JNA was required by the United Nations peace-keeping plan to withdraw from all other areas in Croatia following UNPROFOR's assumption of its responsibilities in the United Nations Protected Areas. UNPROFOR completed its assumption of its responsibilities in all three United Nations Protected Areas on 2 July 1992. None the less, JNA is still occupying areas close to Dubrovnik, despite continuous efforts by UNPROFOR to secure its withdrawal. As was reported in document S/24353, the Belgrade authorities had told the Force Commander that, in view of the strategic importance of the Prevlaka peninsula, which controls the entrance to the Gulf of Kotor, JNA's withdrawal would be contingent on the demilitarization of this peninsula and on a guarantee that Croatian heavy weapons would not be located in proximity to it. Although it was explained by the Force Commander that this issue lay outside UNPROFOR's mandate, he agreed to convey Belgrade's views to the Croatian Government.

24. Subsequent discussions were conducted by UNPROFOR on this matter with both sides. These discussions were carried forward by Under-Secretary-General Goulding and by Mr. Vance and Lord Owen during their recent missions to the area. A proposal elaborated by UNPROFOR was finally accepted by the Prime Minister of the Federal Republic of Yugoslavia, Mr. Milan Panic, and the Chief of Staff of the Yugoslav Army, General Zivota Panic, on 12 September 1992 and by President Tudjman of Croatia on 15 September 1992. Under this agreement, the Yugoslav Army will withdraw completely from Croatia, Prevlaka will be demilitarized and heavy weapons will be removed from neighbouring areas of Croatia and Montenegro. It has been proposed that implementation of this agreement be monitored by UNPROFOR and/or the European Community Monitoring Mission (ECMM). UNPROFOR is currently working out the modalities with the local commanders on both sides.

IV. THE JOINT COMMISSION AND "THE PINK ZONES"

25. The Joint Commission was established by resolution 762 (1992). As described in my report of 26 June 1992 (S/24188), its main task is to oversee and monitor the restoration of the Croatian Government's authority in the "pink zones". These zones are areas of Croatia that had been controlled by JNA and in which there is a substantial Serb population, but which lie outside the agreed boundaries of the United Nations Protected Areas, though adjacent to them. The Council approved a series of measures that would be taken, under UNPROFOR's supervision, to avoid further conflict in the region and stabilize the situation. These measures relate to the assumption by UNPROFOR of its full protective functions in Sectors North and South, undertaken on 2 July; withdrawal by the various armed forces from the "pink zones"; monitoring and patrolling by UNPROFOR military observers and civilian police; the deployment of ECMM personnel; the establishment of a general amnesty in the area; and the restoration, under UNPROFOR's supervision, and at a time decided by it to be appropriate, of the authority of the Croatian police, with such local police being re-established in proportion to the demographic structure of the areas prior to the conflict. The Commission consists of UNPROFOR; ECMM; the Government of Croatia; and the Serb local authorities based in Knin. Mr. Cedric Thornberry, Director of Civil Affairs, chairs the Commission on behalf of UNPROFOR.

26. The Joint Commission has so far held five meetings. After a difficult beginning, its work has recently shown some welcome signs of progress. Early meetings were overshadowed by Serb complaints of persistent cease-fire violations and infiltrations by the Croatian Army; Croatia's refusal to withdraw its police from the area of the Miljeveci plateau after an incursion there on 21 June; alleged non-cooperation by Croatia in the exhumation of Serb bodies from Miljeveci after the fighting there; and other matters which, the Serb side said, precluded their full participation in the meetings. At the first three meetings it either participated but declined to discuss matters of substance or arrived at the location but would not attend the plenary meeting or said that it had to leave early because of another engagement. UNPROFOR, with the active support of ECMM, sought to overcome these problems and ensure that the Joint Commission proceeded with the tasks entrusted to it by the Security Council.

27. At the third meeting, the Commission established subcommissions to deal with allegations of cease-fire violations and other security matters; with legal aspects of resolution 762 (1992); and with cooperation with regard to various economic and humanitarian facilities of mutual interest. But the first meetings of these subcommissions were also delayed by the unavailability of the Serb delegations. At the fourth meeting of the Commission on 21 August 1992, the Chairman expressed great concern at the lack of concrete achievement by the Commission and at the deteriorating situation in the "pink zones". It was essential, he said, that practical progress now be made to remove the causes of friction and to move towards the realization of the purposes of the resolution. A similar line was taken by General Nambiar, by Under-Secretary-General Goulding, and by Mr. Vance and Lord Owen in various

subsequent meetings with leaders in Belgrade or with the Knin authorities as well as with the Croatian leadership. These discussions focused especially on the repair and operation of the Peruca Dam, the Maslenica Bridge and Zemunik Airport, water supplies to Zadar and other areas of economic and humanitarian concern.

28. In the second week of September, subcommissions of the Joint Commission began to meet on cease-fire and security and on humanitarian and economic issues. They have made some initial progress in a practical and cooperative atmosphere. "Hot lines" have been established between the parties with regard to security issues, and experts on both sides have drawn up agreed plans for the repair of utilities and other economic installations. On the joint initiative of both sides, the Commission's fifth meeting, on 18 September 1992, decided to establish a subcommission on refugees and displaced persons, which will hold its first meeting on 28 September.

29. Following the agreement of the Serb authorities in Knin to withdraw their "special police forces" from the Peruca High Dam, UNPROFOR brought in international consultants to inspect the installation. They produced a disturbing report about its condition and, after discussions held by Mr. Vance in Belgrade on 12 September, General Nambiar ordered the Kenyan battalion to take control of the dam. This was fully effected on 14 September, and UNPROFOR is now in sole authority at this vital and vulnerable installation. Emergency measures were at once taken to lower the level of water and reduce the pressure on the structure. This briefly provided, for the first time in many months, an adequate flow of water for power stations downstream from the dam to generate power for much of the adjoining region. However, it appears that Serb military forces had, prior to their withdrawal earlier in the year, laid explosive charges at various points in and around the dam, and the urgent cooperation of the authorities in Belgrade and Knin has been sought to deal with this danger. The Croatian Government has accepted that the emergency situation at the dam required UNPROFOR immediately to deploy not merely unarmed observers but also armed troops there. It has also indicated its willingness to supply Sector South with electricity.

30. Having regard to the vital nature of the Peruca Dam and to the environmental disaster that would result from its destruction, I have directed UNPROFOR to remain in charge of it until its structure is fully safeguarded and it can be handed over to the appropriate authorities. Despite previous assurances, however, it is unclear whether the Serb authorities in Knin are ready to respect this arrangement. Senior members have told UNPROFOR that they will insist on restoring their "authority" over the dam. At the time of writing, UNPROFOR troops from two contingents are now in control of the dam and its immediate vicinity. Several hundred Serb "special militia" are also deployed around it.

V. PUBLIC INFORMATION

31. The tragedies that have erupted in parts of the former Yugoslavia have, to a significant extent, been inspired and exacerbated by propaganda, rumour and disinformation. Nowhere is this more evident than in the sectors and "pink zones". Some national leaders continue, by their rhetoric, to keep wounds open and use language that threatens former adversaries and heightens tension. Distorted and inflammatory accounts of the conflict, and of gross human rights violations, are presented daily by the national media. The peoples of the region are caught up in a maelstrom of invective and disinformation. In this connection, UNPROFOR has sought, with the very limited means at its disposal, to explain its mission, its functions and the limits of its mandate, using print, radio and television. Yet the role of one of the largest and most complex missions undertaken by the United Nations is still not well understood. While the authorities have, to a greater or lesser degree, provided UNPROFOR with television and, especially, radio time, such cooperation has not been consistent. In particular, the Croatian authorities have banned several UNPROFOR radio broadcasts, including brief interviews with the Force Commander and other senior UNPROFOR officials, and have prevented the Force from broadcasting a television programme in which it sought to explain its mandate.

32. In a situation in which the communities remain deeply divided, the need for an expansion and intensification of UNPROFOR's information activities is perceived by many senior local officials, by independent observers and by UNPROFOR personnel in field locations. The local information situation was also the subject of sharp comment by the Special Rapporteur of the United Nations Commission on Human Rights. UNPROFOR has now developed, on the basis of its experience thus far in former Yugoslavia, a plan for an information programme to deal with the problems outlined above. Operating throughout the mission area, it would promote implementation of the UNPROFOR mandate by disseminating a clear understanding of its functions and tasks, countering propaganda and misinformation, and providing timely and objective information. The expanding mandate of the United Nations in the area, including its chairmanship of the International Conference on the former Yugoslavia, creates a need to reach out to the wider population (as well as to specific target groups). It is necessary to be able to explain objectives and methods and to win popular support for what is to be done. Proposals for an expansion of UNPROFOR's information activities will be included in the performance report and projection of future requirements that will be submitted to the General Assembly during the month of October.

VI. OBSERVATIONS

33. It will be clear from the present report that, although there are positive elements elsewhere (notably the agreement on the Prevlaka peninsula), UNPROFOR is encountering increasing obstacles in its efforts to implement the United Nations plan in the United Nations Protected Areas. This is due to the failure of the parties, and principally of the Knin authorities and extremist

forces in the United Nations Protected Areas, to give UNPROFOR the full and continuing cooperation which it must have if it is to be able to carry out the tasks entrusted to it by the Security Council. It is to be recalled that the United Nations plan was conceived of as a means to facilitate the negotiation of an overall political settlement and not as an alternative to such a settlement. Attempts by the Knin authorities to use the United Nations presence as a way of establishing their "independence" are therefore inconsistent with the intent of the plan. Equally, difficulties are caused for UNPROFOR if actions and public statements on the Croatian side create the impression that it is Zagreb's intention to resolve matters by military action rather than at the negotiating table.

34. The root cause of the deterioration in the United Nations Protected Areas since late July has been the Knin authorities' decision to create new paramilitary forces. This action is inconsistent with the demilitarization of the United Nations Protected Areas and is thus a blatant violation of the United Nations plan. The damage caused is all the greater because of the lawless and cruel behaviour of these so-called "police units". In spite of UNPROFOR's vigilance, they have revived some of the worst features of Serb behaviour during the war in Croatia, including "ethnic cleansing", and have created conditions of near anarchy, especially in Sector East. The authorities in Belgrade have assured senior United Nations interlocutors of their opposition both to the violation of the Vance plan and to the revival of "ethnic cleansing" and have promised to use their influence to bring matters under control. Although this was reaffirmed by the Prime Minister of the Federal Republic of Yugoslavia in a meeting with the Secretary-General on 25 September 1992, they have not yet succeeded in this.

35. It is particularly distressing that the deteriorating security situation has made it impossible for UNPROFOR and UNHCR to start major programmes for the return of refugees and displaced persons to their homes. This is a central feature of the United Nations plan and it had been hoped that substantial progress would be possible before winter sets in. The frustration at this state of affairs expressed by the Government of Croatia and the refugees themselves is entirely understandable. But it is important that they should exercise restraint; uncoordinated and forceful attempts to return would only create further tragedies.

36. In this connection, and indeed in the wider context of other conflicts in the former Yugoslavia, the Security Council may wish to consider whether it should take action in response to the many cases in which persons have been coerced into signing away their property and rights of residence. To this end, the Security Council might consider declaring, at the appropriate time, that such acts of renunciation, undertaken under duress, are null and void and create no legal rights or obligations.

37. The situation in the "pink zones" has also been a cause of considerable concern during the reporting period, although the most recent developments have been somewhat more positive. The purpose of the Joint Commission established by Security Council resolution 762 (1992) is to facilitate the

restoration of the Croatian Government's authority in the "pink zones", the status of which is quite different in this respect from that of the United Nations Protected Areas. Completion of that process would remove the causes of many of the current cease-fire violations, permit many displaced persons to return to their homes and help to rebuild confidence between Croats and Serbs.

38. A particularly disagreeable feature of the situation in the "pink zones" is the readiness of both sides, but especially of the Serb side, to cut power and water supplies as a means of putting pressure on their opponents. Such behaviour causes great and unnecessary hardship, which will increase sharply during the coming winter unless present trends can be reversed. Again this is a problem that afflicts other parts of the former Yugoslavia, especially the city of Sarajevo, and the Security Council may wish to support the current efforts of Mr. Vance and Lord Owen on this issue by calling upon all concerned to work together to restore power and water supplies before the coming winter.

39. The agreement on the withdrawal of the remaining elements of the Yugoslav Army from Croatia and the demilitarization of the Prevlaka peninsula, described in paragraphs 23 and 24 above, is a positive development. Detailed arrangements for the implementation of this agreement are currently being finalized. Once this has been done, I shall expect the Yugoslav Army to complete its long-delayed withdrawal from Croatia. Meanwhile, I recommend that the Security Council authorize UNPROFOR to assume responsibility for monitoring the agreed arrangements. The additional resources required, which will not be large, will be provided for in the performance report and projection of future requirements, to be submitted to the General Assembly during the month of October.

40. To sum up, it has not so far been possible for UNPROFOR to achieve the full implementation of the United Nations plan in the three United Nations Protected Areas or to restore a degree of normality and interethnic tolerance there before the winter sets in. This is in spite of strenuous efforts by the Force Commander and his staff, supported by Mr. Vance and Lord Owen and by senior officials from Headquarters, and in spite of the clearly expressed decisions of the Security Council. The sad fact is that the parties, and especially the Knin authorities, have not accorded UNPROFOR the full and sustained cooperation that is necessary for it to carry out its various mandates. This situation has to be corrected urgently; otherwise there will be a real danger of a renewal of widespread conflict in and around the United Nations Protected Areas. I and the Force Commander will continue to do everything we can to pursuade the parties to honour their commitments and accept the will of the Security Council. I am confident that we will have the Council's full support in these endeavours.

UNITED
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Security Council

Distr.
GENERAL

S/24601
29 September 1992

ORIGINAL: ENGLISH

LETTER DATED 29 SEPTEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to present to you the attached letter, dated 28 September 1992, from the Acting President of the Republic of Bosnia and Herzegovina, Mr. Ejup Ganic.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and
Permanent Representative

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Annex

Letter dated 28 September 1992 from the Acting President of Bosnia and Herzegovina addressed to the President of the Security Council

Massive air attacks continued in Bosnia and Herzegovina today. Over 50 sorties have been registered at the airport in Banja Luka alone. The towns of Maglaj, Bosanski Brod, Teslic, Jajce and Brcko have been bombed, mostly with cluster bombs. In Brcko alone 15 people were killed and 50 badly wounded. An elementary school, now used as a bomb shelter, has been completely destroyed by aircraft-launched rockets. About 15 helicopters have been used to transport reinforcements from Serbia (Batajnica airport near Belgrade) into the town of Rogatica in Bosnia and Herzegovina.

In Sarajevo, shelling continued. Today, a funeral procession was shelled. Three people were killed and 20 badly wounded. Yesterday, the aggressor completely shut down the water supply to Sarajevo. The whole city is without water. Electricity was disconnected a day after the Honorable Cyrus R. Vance and Lord David Owen visited Sarajevo and had reached an agreement with the aggressor not to use water and electricity as a weapon of war.

We must protest vigorously that, while our delegation has been participating at the Geneva session of the London Conference, the aggressor has been using the talks as a cover for new aggression against Bosnia and Herzegovina.

Because of the arms embargo, we cannot defend ourselves, and yet no one is coming to our aid even though we have been assured aid was coming from the Security Council resolutions and the London Conference accords.

The "no-fly zone" confidence-building measure was one of the principal accords at the London Conference. It has yet to be implemented. Worse yet, we have now learned that the definition of the "no-fly zone" is being discussed contrary to the definition we agreed to in London.

If the international community is unwilling or unable to fulfil its pledges and promises, as with the "no-fly zone", then the only alternative for us is to exercise fully our right of self-defence, pursuant to Article 51 of the Charter of the United Nations.

The international community cannot have it both ways. Enforcing the arms embargo means you must defend us. Failing to implement and enforce the Security Council resolutions and the London Conference accords means you must lift the arms embargo.

The Security Council must choose one of the two options. Failure to do so implicitly supports the aggression against Bosnia and Herzegovina.

(Signed) Ejup GANIC
Acting President
of the Presidency

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Security Council

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S/24602
29 September 1992

ORIGINAL: ENGLISH

NOTE VERBALE DATED 25 SEPTEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF CZECHOSLOVAKIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Permanent Representative of the Czech and Slovak Federal Republic to the United Nations presents his compliments to the President of the Security Council and has the honour to refer to his note (S/24150) by which the Permanent Mission informed the Secretary-General of measures adopted by the Government and the Presidium of the Federal Assembly of the Czech and Slovak Federal Republic in the implementation of Security Council resolution 757 (1992) of 30 May 1992.

The strict implementation of sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) by all legal and natural persons in the Czech and Slovak Federal Republic has had and continues to have serious negative effects on the Czechoslovak economy. In the June-July period alone, the losses suffered by Czechoslovak enterprises reached US$ 51 million. According to sober estimates, the overall losses of the Czech and Slovak Federal Republic will reach about US$ 256 million by the end of 1992.

The negative economic effects of the sanctions are most striking in the following respects:

(a) The failure to reach the volume of exchange of goods and services agreed between the Czech and Slovak Federal Republic and the Federal Republic of Yugoslavia for 1992;

(b) The suspension of supplies of goods and services aimed at covering the Czechoslovak active balance of payments resulting from former clearing system of payment;

(c) The non-payment of outstanding debts to Czechoslovak subjects, arising from credits granted to enterprises on the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro);

(d) Losses arising from the suspension of transport by water, railway and air of goods and passengers to and from the Federal Republic of Yugoslavia (Serbia and Montenegro).

The above-mentioned losses seriously affect the whole Czechoslovak economy in the present situation when the Czech and Slovak Federal Republic is undergoing the process of economic transformation, accompanied by market and financial crisis of enterprises, caused i.a. by the disintegration of the former Council for Mutual Economic Assistance (CMEA) markets.

For these reasons, the Czech and Slovak Federal Republic, with reference to article 50 of the Charter of the United Nations, would like to exercise its right to consult the Security Council with regard to the solution of special economic problems arising from carrying out sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

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S/24603
29 September 1992

ORIGINAL: ENGLISH

LETTER DATED 29 SEPTEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF PAPUA NEW GUINEA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On behalf of my Government, I have the honour to acknowledge receipt of the letter dated 17 September 1992, addressed to you by the Chargé d'affaires a.i. of Solomon Islands (S/24572) on behalf of his Government.

As you are aware, my Government has already acted to address the issues raised in the letter.

The situation on Bougainville Island in Papua New Guinea's North Solomons Province, which has given rise to certain difficulties on the border with Solomon Islands, is an internal affair of Papua New Guinea.

As a law-abiding Member of the United Nations, the Government of Papua New Guinea has always sought to act in accordance with the Charter of the United Nations. It has done so, and will continue to do so, in the present instance.

The Government of Papua New Guinea believes that the issues raised in the letter from the Government of Solomon Islands can be best resolved on a bilateral basis.

Because of concern with the situation which has developed in the North Solomons Province, in particular since 1988, the Government of Papua New Guinea took steps immediately after coming to office in July this year to review the situation in the Province, including government policy and procedures.

The Government of Papua New Guinea believes that the changes made, and those under consideration should help to ensure that difficulties of the kind recently experienced on the border with Solomon Islands will not be repeated.

The Government of Papua New Guinea looks to the Government of Solomon Islands for cooperation.

The Government of Papua New Guinea has publicly acknowledged that members of the Papua New Guinea security forces have crossed without authorization into Solomon Islands and engaged in unauthorized activities there.

The Government has ordered an investigation of the actions taken by certain members of the security forces, offered its apologies, sought to remedy those actions which can be corrected, offered compensation and taken steps to discipline those members of the security forces who were involved.

Consistent with the principles and procedures set out in the Charter, the Government of Papua New Guinea has communicated directly with the Government of Solomon Islands concerning the above, and requested a meeting at the Foreign Minister level at the earliest opportunity.

As an immediate neighbour of Solomon Islands and a fellow member of the United Nations, the South Pacific Forum and the Melanesian Spearhead Group, the Government of Papua New Guinea is committed to the maintenance of close and cordial relations with the people and Government of Solomon Islands and for mutual respect and benefit.

The Government of Papua New Guinea has, therefore, proposed that the two Governments enter into a formal agreement to avert any repetition of recent unfortunate events, to strengthen bilateral relations and to formalize arrangements for mutual consultation.

I should appreciate it if you could circulate this letter together with the following attachments as a document of the Security Council - the copy of the letter dated 21 September 1992 from the Prime Minister of Papua New Guinea, the Rt. Hon. Paias Wingti, CMG, MP, addressed to the Prime Minister of Solomon Islands, the Hon. Solomon Mamaloni, MP; and the copy of a press release by the Prime Minister of Papua New Guinea dated 20 September 1992.

(Signed) Renagi R. LOHIA, OBE
Ambassador
Permanent Representative

Annex I

Letter dated 21 September 1992 from the Prime Minister of Papua New Guinea addressed to the Prime Minister of Solomon Islands

Further to my response to your written communication faxed to me on Friday, 18 September 1992 in reply to our earlier telephone conversation, I wish again to express my sincere and personal gratitude for the effort that you have been making to bring about an amicable solution to the problems resulting from the raid on Shortland Islands by members of the Papua New Guinea security forces.

I am deeply grateful for your stated desire for an early dialogue to be encouraged, which I wish to assure you is similar to the position I and my Cabinet hold.

Following a meeting of my Cabinet today, I would like personally to inform you of the decisions we have now instigated, which will be confirmed through formal diplomatic communications taking into consideration the four requests sought in your Government's protest note issued last Tuesday, 15 September 1992.

The decisions taken are:

(a) Disciplinary and appropriate actions will be instigated against those involved in the border incursion;

(b) The Papua New Guinea Government will accept all liabilities including compensation for the families of the deceased Solomon Islands citizens after consultations with the Government of Solomon Islands;

(c) The Foreign Minister, the Hon. John Kaputin, is to meet with the Solomon Islands counterpart and other Solomon Islands leaders as soon as practicable and thereafter to report to the Papua New Guinea Government for a formal position to be taken in respect to the Solomon Islands protest note.

I have publicly admitted that members of the Papua New Guinea security forces actually raided a village in the Shortland Islands. The text of this apology will be incorporated in the Papua New Guinea note verbale.

Yesterday, I issued a press statement confirming the actions to be taken by my Government including a proposal that I believe will provide a formal basis to guide future relations between our two countries.

I am concerned that the previous Governments of Papua New Guinea and Solomon Islands have taken for granted the importance of relations between our two countries.

In redressing this unfortunate situation, it is my conviction that a formal bilateral agreement, in treaty form, which gives due and proper recognition to relations and to the varied interests that our two countries share, be concluded. Existing bilateral understandings and arrangements can be sought under the treaty once it is in place.

For this reason, I have asked my Foreign Affairs Minister to discuss this proposal further with Minister Tausinga as soon as it is convenient for them to do so.

I do hope that you will endorse this proposal so that our two Governments can proceed to negotiate and have the agreement ready for our signatures in the near future.

In reaffirming my commitment to maintaining personal dialogue with you, I wish to inform you in confidence that your request to have our present High Commissioner replaced has been addressed by my Foreign Minister, the Hon. Kaputin, who will shortly intimate to Minister Tusinga the replacement as well as agreement from your Government.

Again, allow me to restate my deep appreciation for your decision to maintain personal links with me and I wish to assure you that I will do my utmost to ensure that we resolve our problems through mutually agreed decisions.

(Signed) Paias WINGTI, CMG, MP

Annex II

Press release dated 20 September 1992 by the Prime Minister of Papua New Guinea

The Prime Minister, the Rt. Hon. Paias Wingti, CMG, MP, confirmed that he had personal interactions with his Solomon Islands counterpart since Friday over the border incursion into Solomon Islands territory on 12 September 1992.

Prime Minister Wingti said "his discussions with Prime Minister Mamaloni reaffirmed their commitment to maintain personal dialogue through which issues affecting relations between Papua New Guinea and Solomon Islands could be resolved".

"Since our understanding to maintain personal contact following our Melanesian Spearhead Group meeting in Vila in July and subsequently the issuance of the Vila statement, I intend to maintain these links with my Solomon Islands counterpart to ensure that we give the appropriate and necessary political directions in resolving problems and issues that affect our two countries", he said.

Prime Minister Wingti also said his discussions with Prime Minister Mamaloni were a result of his Cabinet's consideration and decision effectively to respond and deal with the border incursion taking into account the protest issued by the Solomon Islands Government.

He confirmed that Cabinet has decided to take the following measures. These included:

(a) Disciplinary and appropriate legal proceedings against those involved in the border incursion;

(b) That the Government agree to pay compensation to the families of the deceased Solomon Islands citizens;

(c) The Foreign Affairs Minister, the Hon. John Kaputin, was to meet his counterpart as soon as practicable.

These responses were a result of a Cabinet submission prepared by the Minister for Foreign Affairs in response to the four requests sought in the protest note issued by the Solomon Islands Government on Tuesday, 15 September 1992.

The Prime Minister confirmed that the Government will formally reply to the Solomon Islands protest note, and along with the decisions taken above by Cabinet, will make an apology over the border incident as well as assure the Solomon Islands Government that no further illegal border crossings will take place.

He added that, as a result of his personal interactions so far with Prime Minister Mamaloni, both Governments would now move forward to implement an effective solution towards resolving the border incident.

The Prime Minister further added that "he will propose to his Solomon Islands counterpart that a formal bilateral agreement which will give due and proper recognition to relations and to the varied interests that both Papua New Guinea and Solomon Islands share as the basis on which future relations can be guided.

This proposal will be a major foreign policy initiative that Minister Kaputin will take up further with his Solomon Islands counterpart.

> "It is apparent that border incidents including the recent incursion into Solomon Islands territory by our security forces is a reflection of the way previous Governments and by extension government agencies have taken for granted our relations with Solomon Islands."
>
> "This attitude, I believe, has contributed to the disregard and subsequent illegal actions taken by our security forces in dealing with the spillover effects of the Bougainville crisis."

I am confident that this Government will rectify this anomaly by proposing this formal agreement which will be binding on both countries.

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GENERAL ASSEMBLY
Forty-seventh session
Agenda items 25, 28, 30, 33,
35, 43, 45, 46 and 143
COOPERATION BETWEEN THE UNITED NATIONS AND
THE ORGANIZATION OF THE ISLAMIC CONFERENCE
THE SITUATION IN AFGHANISTAN AND ITS IMPLICATIONS
FOR INTERNATIONAL PEACE AND SECURITY
QUESTION OF PALESTINE
POLICIES OF APARTHEID OF THE GOVERNMENT OF
SOUTH AFRICA
THE SITUATION IN THE MIDDLE EAST
LAUNCHING OF GLOBAL NEGOTIATIONS ON INTERNATIONAL
ECONOMIC COOPERATION FOR DEVELOPMENT
QUESTION OF CYPRUS
CONSEQUENCES OF THE IRAQI OCCUPATION OF AND
AGGRESSION AGAINST KUWAIT
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Forty-seventh year

Letter dated 30 September 1992 from the Permanent Representative of Turkey addressed to the Secretary-General

I have the honour to transmit herewith the text of the Final Communiqué of the Annual Coordination Meeting of the Ministers for Foreign Affairs of the Organization of the Islamic Conference, held at United Nations Headquarters on 23 September 1992 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda items 25, 28, 30, 33, 35, 43, 45, 46 and 143, and of the Security Council.

(Signed) Mustafa AKSIN
Ambassador
Permanent Representative

ANNEX

Final communiqué of the Annual Coordination Meeting of the Ministers for Foreign Affairs of the Organization of the Islamic Conference held at United Nations Headquarters on 23 September 1992 (26 Rabiul Awwal 1413H)

1. The Annual Coordination Meeting of the Ministers for Foreign Affairs of the Organization of the Islamic Conference was held on 26 Rabiul Awwal, 1413H corresponding to 23 September 1992, at United Nations Headquarters in New York under the Chairmanship of His Excellency Mr. Hikmet Cetin, Foreign Minister of the Republic of Turkey and Chairman of the Twentieth Islamic Conference of Foreign Ministers.

The Republic of Bosnia and Herzegovina and the Republic of Tajikistan attended the Meeting as guests.

2. The Meeting listened with fraternal sentiments to the illuminating address of His Excellency Alija Izetbegovich, President of the Republic of Bosnia and Herzegovina, who expressed the grateful thanks and appreciation of his Government and people for the steadfast support extended by the Organization of the Islamic Conference to their just struggle to safeguard the independence, unity and territorial integrity of their country.

3. The Meeting noted with appreciation the reports of the Secretary General on various items inscribed on the agenda and approved the recommendations contained therein.

4. The Meeting examined the report submitted by the Six-Member Committee on Palestine (document OIC/NY-92/SMCP/REP) and adopted its recommendations.

It reviewed the overall developments of the situation in Palestine and the Middle East. It saluted the blessed Intifadah of the Palestinian people and reiterated its full solidarity with the valiant Palestinian people and the population of other occupied Arab territories, as well as its active support to their just cause.

It reaffirmed that the issue of Palestine and Al-Quds Al-Sharif constitutes the central issue for the Islamic Ummah and is the core of the Arab-Israeli conflict, and a just and comprehensive peace in the Middle East region can only be achieved through a complete Israeli withdrawal from all the Palestinian and Arab territories occupied since 1967, including the city of Al-Quds Al-Sharif, and by enabling the Palestinian people to exercise their inalienable national rights, and establish their independent Palestinian State with Al-Quds Al-Sharif as its capital, under the leadership of their sole legitimate representative, the Palestine Liberation Organization.

It expressed its support to the ongoing peace process aimed at the achievement of a just and comprehensive solution to the issue of Palestine and the Arab-Israeli conflict in conformity with the resolutions of international

legitimacy, including Security Council resolutions 242 (1967) and 338 (1973), the principle of land for peace, the legitimate rights of the Palestinian people and the settlement of the issue of the Palestinian refugees in accordance with the United Nations resolutions, and more particularly General Assembly resolution 194 (III) and Security Council resolution 237 (1967) and in this regard it called for a more effective role of the United Nations in ongoing negotiations. It stressed the need for all the representatives of the Palestinian people to participate in all the stages of the negotiations and all the multilateral committees in a manner that would reflect unity of Palestinian people, as well as the need to ensure that the city of Al-Quds Al-Sharif is not left out, both as an issue and in terms of representation, in the ongoing negotiations, for it constitutes an integral part of the Palestinian territories occupied since 1967 and is subject to the same treatment applied to all the remaining territories in accordance with the United Nations resolutions.

It reaffirmed that the United Nations has a permanent responsibility towards the Palestinian cause until there is a just and global settlement of all aspects of this issue guaranteeing the end to occupation and enabling the Palestinain people to exercise their inalienable rights. In this spirit it emphasized the importance of carrying out the mission entrusted to the United Nations by the General Assembly and the Security Council and, in particular the need to implement Security Council resolution 681 (1990) envisaging notably the convening of a meeting of the signatories to the Fourth Geneva Convention with a view to taking necessary measures to ensure international temporary protection for Palestinian people in the occupied territories.

It recommended that the Islamic Group in the United Nations must endeavour with a view to forcing Israel to discontinue its inhuman practices against the Palestinian citizens in the occupied Palestinian territories, and emphasized the need to implement international resolutions demanding the discontinuation of Israeli settlements and the removal of those which already exist in the occupied territories, including Al-Quds Al-Sharif and the Syrian Golan.

It further reiterated that the legislative and administrative measures imposed by the Israeli occupation authorities on the city of Al-Quds Al-Sharif and its inhabitants are null and void. It recalled in this regard Security Council resolutions 465 (1980), 476 (1980) and 478 (1980).

It also emphasized the need to act to force Israel to submit all of its nuclear facilities to international inspection.

It urged all international organizations and institutions, in particular the humanitarian ones, to increase their assistance to the Palestinian people to enable them to face up to the serious living conditions resulting from continued Israeli occupation of the Palestinian territories.

It welcomed the efforts being exerted by the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People in the service of the Palestine cause.

5. The Meeting strongly condemned the Serbian aggression against the Republic of Bosnia and Herzegovina and reaffirmed its steadfast support to the Government and people of that Republic in their just struggle to safeguard the independence, unity and territorial integrity of their country. It also condemned vigorously the genocidal policy of ethnic cleansing being perpetrated against the people of Bosnia and Herzegovina. It reaffirmed the provisions of resolution 1/5-EX on the situation in Bosnia and Herzegovina, adopted by the Islamic Conference of Foreign Ministers at its Fifth Extraordinary Session.

It welcomed the holding of the London Conference on the former Yugoslavia and demanded that all commitments made at this Conference be fully and promptly implemented in letter and spirit. In particular it emphasized the urgent need for the effective enforcement of the provisions regarding the establishment of a No-fly Zone, control of heavy weaponry (control of firing and movement), closing of concentration camps and the return of refugees to their homes and effective delivery of humanitarian relief.

It condemned the continuation of the Serbian aggression against Bosnia and Herzegovina and expressed its alarm at the failure of the numerous efforts aimed at bringing it to an end.

In this context it reaffirmed the legitimate right of Bosnia and Herzegovina to self-defence, in accordance with Article 51 of the United Nations Charter, and underlined the need to exempt Bosnia and Herzegovina from the provisions of the arms embargo imposed on the former Yugoslavia by Security Council resolution 713 (1991).

It emphasized the fact that, if the minimum measures decided by the London Conference fail to be implemented due to Serbian obstruction, the international community should take more vigorous steps to bring the aggression against Bosnia and Herzegovina to an end.

It expressed its profound concern at the continued deterioration of the humanitarian situation in Bosnia and Herzegovina. It condemned the obstacles posed by the regular and para-military Serb forces to prevent the accomplishment by the international humanitarian organizations of their mission, and appealed to the Security Council to accelerate the implementation of the various measures it has adopted to guarantee the delivery of humanitarian assistance without any impediment in the entire territory of Bosnia and Herzegovina.

It urged the international community to continue and increase humanitarian assistance to the people of Bosnia and Herzegovina. In the same

spirit, it approved the recommendation of the Secretary General to institute in the General Secretariat an OIC Fund for Relief and Reconstruction in Bosnia and Herzegovina.

It expressed its active solidarity with the Government and people of the Republic of Croatia, who are carrying a heavy burden because of the negative consequences of the Serbian aggression of Bosnia and Herzegovina and expressed the confidence that they would continue to provide full support to the Bosnian people.

6. The Meeting expressed its deep concern over the situation in Somalia and deplored the civil strife among various Somali factions, parties and movements, which had virtually destroyed the entire political, economic and social infrastructure of their country and has caused tremendous suffering to the Somali people.

It noted with distress that some 2 million Somalis have been stricken by war and famine and millions more are in a state of utter desperation. It expressed its appreciation for the initiatives taken by H.E. Abdou Diouf, President of the Republic of Senegal and Chairman of the Islamic Summit Conference, for resolving the Somali crisis. In this regard it also welcomed the ongoing efforts of the international community to provide indispensible humanitarian assistance to Somalia and appealed for the intensification of those efforts.

It noted with appreciation the efforts being made by the Organization of the Islamic Conference, in cooperation with the United Nations, the Organization of African Unity, and the League of Arab States, to deal with the various aspects of the problem of Somalia. It pledged its full support for ensuring the success of these joint efforts.

It called for the early convening by the United Nations, in cooperation with the Organization of the Islamic Conference, the Organization of African Unity, and the League of Arab States, of an International Conference on Somalia with a view to finding solutions to all aspects of the problems of Somalia.

It also reaffirmed the commitment of Member States to the restoration of peace and preservation of the independence, territorial unity and integrity of Somalia.

7. The Meeting approved the recommendations contained in the Report of the Ad Hoc Committee on Afghanistan of the Organization of the Islamic Conference (document OIC/MY-92/APG/REP). It welcomed the formation of the Government of the Islamic State of Afghanistan and congratulated the people of Afghanistan on the successful culmination of their long and glorious Jihad. It expressed its confidence that the Government and people of Afghanistan will succeed in restoring peace and stability and overcome the formidable challenges to their economic and social development. In this context it welcomed the various

steps taken by the Government of Afghanistan and noted with appreciation the intention to convene a Loya Jirgah (SHORAI-AHL HAL WA AQD) and expressed the readiness of the Organization of the Islamic Conference to assist in this process, as required.

It emphasized the need for promoting unity, cohesion, national reconciliation and harmony among all sections of the Afghan society and reiterated its steadfast support to the cause of peace and progress in Afghanistan, as well as its commitment to safeguarding the unity, sovereignty, independence and territorial integrity of Afghanistan. It also stressed the importance of respect for the principles of non-intervention and non-interference in the internal affairs of Afghanistan.

It appealed to the international community in general, and member States of the Organization of the Islamic Conference in particular, to extend urgently generous humanitarian and economic assistance to Afghanistan to facilitate the repatriation and rehabilitation of Afghan refugees and for national reconstruction. It also expressed its appreciation to all those member States which have provided assistance to Afghanistan, particularly the Kingdom of Saudi Arabia, the Islamic Republic of Pakistan and the Islamic Republic of Iran.

8. The Meeting recalled the declarations issued during the period between the nineteenth and twentieth Islamic Conferences of Foreign Ministers regarding the Iraqi invasion and occupation of Kuwait, as well as Resolution 9/20-P adopted by the Twentieth Islamic Conference of Foreign Ministers, and reiterated the provisions of Resolution 7/6-P (IS), adopted by the Sixth Islamic Summit Conference. It deplored that the Government of Iraq has not fully complied with United Nations resolutions and expressed its distress about the ordeal endured by the people of Iraq owing to the non-compliance of the Iraqi regime with the decisions of international legitimacy. It expressed its deep regret and concern over the procrastination of the Iraqi authorities regarding the implementation of the resolutions concerning the release of Kuwaiti citizens and other detainees in Iraq, and called upon the Iraqi authorities for their immediate release. It affirmed the necessity of full compliance by Iraq with all Security Council resolutions for the final restoration of peace in the Gulf region and to put an end to the sufferings of the Iraqi people. It also reiterated its commitment to the safeguarding of the unity and territorial integrity of all States of the region.

9. The Meeting reaffirmed the contents of Resolution No. 10/6-P (IS) on the Jammu and Kashmir dispute, adopted by the Sixth Islamic Summit Conference, and expressed its serious concern over the alarming escalation in the repressive measures adopted by the Indian forces against the people of Jammu and Kashmir and the gross and systematic violation of their human rights. The Meeting condemned those massive violations and called upon the Government of India to respect the human rights of the Kashmiri people, including their right to self-determination. It also called for a speedy and peaceful settlement of the Jammu and Kashmir dispute in accordance with the relevant United Nations resolutions and in the spirit of the Simla Agreement of 2 July 1972.

The Meeting reiterated the decision of the Islamic Conferences to send a Good Offices Mission, under the Chairmanship of the Islamic Conference of Foreign Ministers, with a view to easing the tension between India and Pakistan and to promoting a peaceful settlement. It also requested the Secretary General to expedite the sending of the fact-finding mission to Jammu and Kashmir and Azad Kashmir and to submit its report as early as possible.

10. The Meeting approved the recommendation contained in the Report of the OIC Committee on South Africa (document OIC/NY-92/SA/REP). It expressed its deep concern over the situation in South Africa and strongly condemned the South African regime for continuing its repressive policies and practices against the people of South Africa; for fomenting township violence; and for impeding the negotiations under the Convention for a Democratic South Africa (CODESA) process, thus obstructing the transformation of South Africa to a democratic non-racial society.

It condemned the Boipatong and Ciskei massacres and called for the repeal of all discriminatory laws in South Africa and the immediate release of all political prisoners, and called for bringing the fratricidal violence to an end. It expressed its support for the constructive efforts undertaken by the African National Congress (ANC) to resume constitutional talks.

It urged the international community to maintain sanctions against South Africa until such time as the process of change becomes irreversible and until the apartheid system has been completely abolished. It urged member States to continue to provide moral, political and material support to the liberation movements in South Africa recognized by the Organization of African Unity (OAU).

11. The Meeting expressed its deep concern over the critical economic situation in Africa and appealed to the international community in general, and member States in particular, to extend all possible help, including financial and technical assistance, to the African countries in their efforts towards economic and social development. It welcomed the United Nations New Agenda for Development of Africa in the 1990s and expressed the hope that the commitments made by the international community on the basis of the principle of "shared responsibility and full partnership with Africa" would be honoured and that the international community would provide full and tangible support to the African development efforts.

12. The Meeting expressed its deep concern at the conflict between Armenia and Azerbaijan over the Nagorno-Karabakh issue and, in this context, reaffirmed the principles of respect for the internationally recognized borders and territorial integrity of States. It expressed its solidarity with the Republic of Azerbaijan and appealed to Armenia to renounce its aggressive policy of expansionism. It also urged the international community to exert all possible dissuasive influence on Armenia with a view to removing the obstacles in the way of facilitating Azerbaijan's quest for an honourable and peaceful settlement of the conflict, which would ensure its territorial integrity and guarantee to its forcibly displaced citizens the restitution of their homes.

13. The Meeting reaffirmed its past resolutions and declarations on Cyprus and expressed its active solidarity with the Turkish Muslim community of Cyprus in its rightful cause. It welcomed the progress achieved in the proximity talks, which took place between 18 June and 14 August 1992, under the Good Offices Mission of the United Nations Secretary-General, culminating in the onset of face-to-face talks between the leaders of the two communities in Cyprus. It expressed its appreciation and full support for the constructive contribution made by President Denktas at the talks. It expressed the hope that necessary ground would be prepared prior to the resumption of the face-to-face talks, due to start on 26 October 1992, so that an early conclusion of the overall framework agreement could be possible. It also underlined the key importance of respect for the principle of political equality in the attainment of a freely negotiated and mutually acceptable solution.

14. The Meeting considered the question of the holding of the Twenty-first Islamic Conference of Foreign Ministers initially scheduled to be held in the Republic of the Sudan. In accordance with the positions expressed in the written communications received from a large number of member States by the General Secretariat, the Meeting decided that the Twenty-first Session of the Islamic Conference of Foreign Ministers would be held in the Islamic Republic of Pakistan.

15. The Meeting took note of the report of the Secretary General on the implementation of Resolution 6/3-ORG(IS) on the question of the renewal of the mandate of the Secretary General, adopted by the Sixth Islamic Summit Conference. It noted that the necessary conditions for the coming into force of the amendment of paragraph 1 of Article VI of the Charter of the Organization of the Islamic Conference had been fulfilled. Consequently it declared that the mandate of Dr. Hamid Algabid, Secretary General, has been renewed for a period of four years as of 1 January 1993.

The Meeting on this occasion conveyed its great satisfaction to the Secretary General for the innovative actions that he has undertaken since his election with a view to imparting dynamism and efficiency to the Organization of the Islamic Conference. It underlined the will of the member States to continue to support his actions and their determination to provide to the Organization the means indispensable for the accomplishment of its mission.

UNITED
NATIONS

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Security Council

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S/24605
30 September 1992

ORIGINAL: ENGLISH

Belgium, France, Hungary, Japan, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous relevant resolutions and in particular resolutions 706 (1991) and 712 (1991),

Taking note of the letter of 15 July 1992 from the Secretary-General to the President of the Security Council on Iraq's compliance with the obligations placed on it by resolution 687 (1991) and subsequent resolutions,

Condemning Iraq's continued failure to comply with its obligations under relevant resolutions,

Reaffirming its concern about the nutritional and health situation of the Iraqi civilian population, and the risk of a further deterioration of this situation, and recalling in this regard its resolution 706 (1991) and 712 (1991), which provide a mechanism for providing humanitarian relief to the Iraqi population, and resolution 688 (1991), which provides a basis for humanitarian relief efforts in Iraq,

Having regard to the fact that the period of six months referred to in resolutions 706 (1991) and 712 (1991) expired on 18 March 1992,

Deploring Iraq's refusal to cooperate in the implementation of resolutions 706 (1991) and 712 (1991), which puts its civilian population at risk, and which results in the failure by Iraq to meet its obligations under relevant Security Council resolutions,

Recalling that the escrow account provided for in resolutions 706 (1991) and 712 (1991) will consist of Iraqi funds administered by the Secretary-General which will be used to pay contributions to the Compensation Fund, the full costs of carrying out the tasks authorized by section C of resolution 687 (1991), the full costs incurred by the United Nations in facilitating the return of all Kuwaiti property seized by Iraq, half the costs

of the Boundary Commission, and the cost to the United Nations of implementing resolution 706 (1991) and of other necessary humanitarian activities in Iraq,

Recalling that Iraq, as stated in paragraph 16 of resolution 687 (1991), is liable for all direct damages resulting from its invasion and occupation of Kuwait, without prejudice to its debts and obligations arising prior to 2 August 1990, which will be addressed through the normal mechanisms,

Recalling its decision in resolution 692 (1991) that the requirement for Iraqi contributions to the Compensation Fund applies to certain Iraqi petroleum and petroleum products exported from Iraq before 2 April 1991, as well as to all Iraqi petroleum and petroleum products exported from Iraq after 2 April 1991,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that all States in which there are funds of the Government of Iraq, or its State bodies, corporations, or agencies, that represent the proceeds of sale of Iraqi petroleum or petroleum products, paid for by or on behalf of the purchaser on or after 6 August 1990, shall cause the transfer of those funds (or equivalent amounts) as soon as possible to the escrow account provided for in resolutions 706 (1991) and 712 (1991); provided that this paragraph shall not require any State to cause the transfer of such funds in excess of 200 million dollars or to cause the transfer of more than fifty per cent of the total funds transferred or contributed pursuant to paragraphs 1, 2 and 3 of this resolution; and further provided that States may exclude from the operation of this paragraph any funds which have already been released to a claimant or supplier prior to the adoption of this resolution, or any other funds subject to or required to satisfy the rights of third parties, at the time of the adoption of this resolution;

2. Decides that all States in which there are petroleum or petroleum products owned by the Government of Iraq, or its State bodies, corporations, or agencies, shall take all feasible steps to purchase or arrange for the sale of such petroleum or petroleum products at fair market value, and thereupon to transfer the proceeds as soon as possible to the escrow account provided for in resolution 706 (1991) and 712 (1991);

3. Urges all States to contribute funds from other sources to the escrow account as soon as possible;

4. Decides that all States shall provide the Secretary-General with any information needed for the effective implementation of this resolution and that they shall take the necessary measures to ensure that banks and other bodies and persons provide all relevant information necessary to identify the funds referred to in paragraphs 1 and 2 above and details of any transactions relating thereto, or the said petroleum or petroleum products, with a view to such information being utilized by all States and by the Secretary-General in the effective implementation of this resolution;

5. Requests the Secretary-General:

(a) To ascertain the whereabouts and amounts of the said petroleum and petroleum products and the proceeds of sale referred to in paragraphs 1 and 2 of this resolution, drawing on the work already done under the auspices of the Compensation Commission, and report the results to the Security Council as soon as possible;

(b) To ascertain the costs of United Nations activities concerning the elimination of weapons of mass destruction, the provision of humanitarian relief in Iraq, and the other United Nations operations specified in paragraphs 2 and 3 of resolution 706 (1991); and

(c) To take the following actions:

(i) Transfer to the Compensation Fund, from the funds referred to in paragraphs 1 and 2 of this resolution, the percentage referred to in paragraph 10 of this resolution; and

(ii) Use of the remainder of funds referred to in paragraphs 1, 2 and 3 of this resolution for the costs of United Nations activities concerning the elimination of weapons of mass destruction, the provision of humanitarian relief in Iraq, and the other United Nations operations specified in paragraphs 2 and 3 of resolution 706 (1991), taking into account any preference expressed by States transferring or contributing funds as to the allocation of such funds among these purposes;

6. Decides that for so long as oil exports take place pursuant to the system provided in resolutions 706 (1991) and 712 (1991) or to the eventual lifting of sanctions pursuant to paragraph 22 of resolution 687 (1991), implementation of paragraphs 1 to 5 of this resolution shall be suspended and all proceeds of those oil exports shall immediately be transferred by the Secretary-General in the currency in which the transfer to the escrow account had been made, to the accounts or States from which funds had been provided under paragraphs 1, 2 and 3 of this resolution, to the extent required to replace in full the amounts so provided (together with applicable interest); and that, if necessary for this purpose, any other funds remaining in the escrow account shall similarly be transferred to those accounts or States; provided, however, that the Secretary-General may retain and use any funds urgently needed for the purposes specified in paragraph 5 (c) (ii) of this resolution;

7. Decides that the operation of this resolution shall have no effect on rights, debts and claims existing with respect to funds prior to their transfer to the escrow account; and that the accounts from which such funds were transferred shall be kept open for retransfer of the funds in question;

8. Reaffirms that the escrow account referred to in this resolution, like the Compensation Fund, enjoys the privileges and immunities of the United Nations, including immunity from legal proceedings, or any forms of attachment, garnishment or execution; and that no claim shall lie at the instance of any person or body in connection with any action taken in compliance with or implementation of this resolution;

9. Requests the Secretary-General to repay, from any available funds in the escrow account, any sum transferred under this resolution to the account or State from which it was transferred, if the transfer is found at any time by him not to have been of funds subject to this resolution; a request for such a finding could be made by the State from which the funds were transferred;

10. Confirms that the percentage of the value of exports of petroleum and petroleum products from Iraq for payment to the Compensation Fund shall, for the purpose of this resolution and exports of petroleum or petroleum products subject to paragraph 6 of resolution 692 (1991), be the same as the percentage decided by the Security Council in paragraph 2 of resolution 705 (1991), until such time as the Governing Council of the Compensation Fund may decide otherwise;

11. Decides that no further Iraqi assets shall be released for purposes set forth in paragraph 20 of resolution 687 (1991) except to the sub-account of the escrow account, established pursuant to paragraph 3 of resolution 712 (1991), or directly to the United Nations for humanitarian activities in Iraq;

12. Decides that, for the purposes of this resolution and other relevant resolutions, the term "petroleum products" does not include petrochemical derivatives;

13. Calls upon all States to cooperate fully in the implementation of this resolution;

14. Decides to remain seized of this matter.

UNITED
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General Assembly Security Council

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A/47/494
S/24606
1 October 1992

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-seventh session
Agenda item 33
POLICIES OF APARTHEID OF THE
GOVERNMENT OF SOUTH AFRICA

SECURITY COUNCIL
Forty-seventh year

Letter dated 29 September 1992 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

You will be aware that State President F. W. de Klerk and the President of the African National Congress (ANC), Mr. Nelson Mandela, met on Saturday 26 September 1992 to address the problem of violence and obstacles to negotiations. I am pleased to inform you that agreements were reached between them which have laid the basis for the resumption of negotiations. The ANC delegation advised the Government at the conclusion of the meeting that it would recommend to its National Executive Committee that the process of negotiation be resumed.

The Record of Understanding between the Government and ANC is attached (see annex). You will note that agreement was reached on the following issues and obstacles:

(a) The need for a democratic constituent assembly/constitution-making body and constitutional continuity during the interim/transitional period;

(b) That all prisoners whose imprisonment is related to political conflict of the past and whose release can make a contribution to reconciliation should be released by 15 November 1992;

(c) That the question of hostels will be urgently addressed by the Government by taking further measures by 15 November 1992;

(d) That a proclamation will be issued to prohibit country-wide the carrying and display of dangerous weapons at all public occasions, subject to exemptions based upon guidelines being prepared by the Goldstone Commission;

(e) That while the Government acknowledge the right of all parties and organizations to participate in peaceful mass action, ANC for its part reaffirmed its commitment to the provisions of the Code of Conduct for Political Parties arrived at under the National Peace Accord and the agreement on the conduct of public demonstrations reached on 16 July 1992 under the auspices of the Goldstone Commission. In view of the progress made at the summit meeting and in view of further progress likely to be made when negotiations resume, ANC undertook to examine its programme of mass mobilization as a matter or urgency.

I should be grateful if the text of the present letter and the attached Record of Understanding, together with the attached statement by the Government spokesman on the release of prisoners, relating to prisoners who have committed crimes with a political motive, could be circulated as an official document of the General Assembly, under agenda item 33, and of the Security Council.

(Signed) V. R. W. STEWARD
Ambassador
Permanent Representative

ANNEX

JOINT STATEMENT AND RECORD OF UNDERSTANDING: PRESIDENT FW DE KLERK AND MR NELSON MANDELA - 26 SEPTEMBER 1992

1. The attached Record of Understanding was agreed to.

2. On the way forward -

- The two delegations agreed that this summit has laid a basis for the resumption of the negotiation process.

- To this end the ANC delegation advised the South African Government that it would recommend to its National Executive Committee that the process of negotiation be resumed, whereafter extensive bilateral discussion will be held.

- It was agreed that the practicalities with regard to bilateral discussions will be dealt with through the existing channel.

RECORD OF UNDERSTANDING

1 Since 21 August 1992 a series of meetings was held between Mr Roelf Meyer, Minister of Constitutional Development and Mr Cyril Ramaphosa, Secretary General of the African National Congress. These meetings entailed discussions with a view to remove obstacles towards the resumption of negotiations and focused on the identification of steps to be taken to address issued raised in earlier memoranda. The discussions took note of various opposing viewpoints on the relevant issues and obstacles. It was decided that these issues should not be dealt with exhaustively in the understanding. This document reflects the understanding reached at the conclusion of the discussions regarding these obstacles and issues.

2 The understanding on issues and obstacles included the following, although it was observed that there are still other important matters that will receive attention during the process of negotiation:

a The Government and the ANC agreed that there is a need for a democratic constituent assembly/constitution-making body and that for such a body to be democratic it must:

- be democratically elected;

- draft and adopt the new constitution, implying that it should sit as a single chamber;

- be bound only by agreed constitutional principles;

- have a fixed time frame;

- have adequate deadlock breaking mechanisms;

- function democratically, ie. arrive at its decisions democratically with certain agreed to majorities; and

- be elected within an agreed predetermined time period.

Within the framework of these principles, detail would have to be worked out in the negotiation process.

b The Government and the ANC agreed that during the interim/transitional period there shall be constitutional continuity and no constitutional hiatus. In consideration of this principle, it was further agreed that:

- the constitution-making body/constituent assembly shall also act as the interim/transitional Parliament;

- there shall be an interim/transitional government of national unity;

- the constitution-making body/constituent assembly cum interim/transitional Parliament and the interim/transitional government of national unity shall function within a constitutional framework/transitional constitution which shall provide for national and regional government during the period of transition and shall incorporate guaranteed justiciable fundamental rights and freedoms. The interim/transitional Parliament may function as a one or two-chambered body.

c The two parties are agreed that all prisoners whose imprisonment is related to political conflict of the past and whose release can make a contribution to reconciliation should be released. The Government and the ANC agreed that the release of prisoners, namely, those who according to the ANC fall within the guidelines defining political offences, but according to the Government do not, and who have committed offences with a political motive on or before 8 October 1990 shall be carried out in stages (as reflected in a separate document: Implementation Programme: Release of Prisoners) and be completed before 15 November 1992. To this end the parties have commenced a process of identification. It is the Government's position that all who have committed similar offences but who have not been charged and sentenced should be dealt with on the same basis. On this question no understanding could be reached as yet and it was agreed that the matter will receive further attention.

As the process of identification proceeds, releases shall be effected in the above-mentioned, staged manner. Should it be found that the current executive powers of the State do not enable it to give effect to specific releases arising from the above identification the necessary legislation shall be enacted.

d The Goldstone Commission has given further attention to hostels and brought out an urgent report on certain matters and developments in this regard. The Commission indicated that the problem is one of criminality and that it will have to investigate which localities are affected.

In the meantime some problematic hostels have been identified and the Government has undertaken as a matter of urgency to address and deal with the problem in relation to those hostels that have been associated with violence. Further measures will be taken, including fencing and policing to prevent criminality by hostel dwellers and to protect hostel dwellers against external aggression. A separate document (Implementation Programme: Hostels) records the identification of such hostels and the security measures to be taken in these instances.

Progress will be reported to the Goldstone Commission and the National Peace Secretariat. United Nations observers may witness the progress in co-operation with the Goldstone Commission and the National Peace Secretariat.

e In the present volatile atmosphere of violence, the public display and carrying of dangerous weapons provokes further tension and should be prohibited. The Government has informed the ANC that it will issue a proclamation within weeks to prohibit countrywide the carrying and display of dangerous weapons at all public occasions subject to exemptions based on guidelines being prepared by the Goldstone Commission.

The granting of exemptions shall be entrusted to one or more retired judges. On this basis, the terms of the proclamation and mechanism for exemption shall be prepared with the assistance of the Goldstone Commission.

f The Government acknowledges the right of all parties and organisations to participate in peaceful mass action in accordance with the provisions of the National Peace Accord and the Goldstone Commission's recommendations. The ANC for its part reaffirms its commitment to the provisions of the Code of Conduct for Political Parties arrived at under the National Peace Accord and the agreement reached on 16 July 1992 under the auspices of the Goldstone Commission as important instruments to ensure democratic political activity in a climate of free political participation.

The two parties also commit themselves to the strengthening of the Peace Accord process, to do everything in their power to calm down tensions and to finding ways and means of promoting reconciliation in South Africa.

In view of the progress made in this summit and the progress we are likely to make when negotiations are resumed, the ANC expressed its intention to consult its con-

stituency on a basis of urgency with a view to examine the current programme of mass action.

3 The two parties agreed to hold further meetings in order to address and finalise the following matters which were not completed at the summit:

- Climate of free political activity.
- Repressive / security legislation.
- Covert operations and special forces.
- Violence.

Agreed to at Johannesburg on 26 September 1992:

FW de Klerk	NR Mandela
State President	President: ANC

STATEMENT BY THE GOVERNMENT SPOKESMAN ON THE RELEASE OF PRISONERS WHO HAVE COMMITTED CRIMES WITH A POLITICAL MOTIVATION : 26 SEPTEMBER 1992

It is the Government's position that all political prisoners, as defined in terms of internationally accepted guidelines, were released some time ago in terms of previous agreements. In a spirit of reconciliation and pursuant to agreements reached between the Government and the ANC in preparation for the meeting on 26 September 1992 between the State President and Mr Mandela, the Government has decided to release a number of prisoners, who were imprisoned for politically motivated crimes, on the following basis:

1 The prisoners concerned must have committed crimes with a political motivation.

2 Their crimes must have been committed before 8 October 1990, which is the cut-off date agreed to by both the Government and the ANC.

3 All prisoners who fall within this category, are eligible for release, regardless of their political affiliation.

The release of these prisoners will take place on the following basis:

a A first category of prisoners will be released within days in terms of section 69 of the Correctional Services Act. As many as 150 of the prisoners on the list submitted by the ANC fall into this category and have already been released or are in the process of being released. A process of identification of prisoners falling into this category, but with other political affiliations, is also now taking place.

b A second category, those who are serving life sentences, do not qualify for remission of sentence in terms of section 69 of the Correctional Services Act. They will be released, after a process of identification, before 15 November 1992, in terms of legislation which the Government will present to Parliament during the forthcoming short session in October. The proposed legislation will deal equitably with all those prisoners who qualify and whose release can make a contribution to reconciliation.

Certain prisoners in this category will however, within days, be released on parole on certain conditions. In such cases the parole conditions will be cancelled in the event of Parliament passing the above-mentioned legislation.

In addition to the above-mentioned cases, the Government will submit further legislation to Parliament to enable it to address the cases of persons who have committed simlar offences, but who have not yet been charged or sentenced, in keeping with the Government's position that they should be dealt with on the same basis.

The Government has, in this regard, been guided by the following considerations:

- All prisoners and offenders who fall in this category should be treated on the same basis, regardless of their political affiliation.

- The Government's action in releasing these prisoners does not signify condonement of the crimes which they committed - many of which were atrocious and morally inexcusable.

- However, the Government has, throughout, accepted that national reconciliation and a comprehensive political settlement, will require that the slate should be cleaned with regard to all persons who have committed crimes with a political motivation. Only on this basis can the book finally be closed on the conflict and bitterness of the past.

- Whatever steps are taken should be taken properly and in accordance with the law. In this regard it has consistently been the Government's view that special legislation would be required for the release of certain categories of prisoners and that the use of the State President's powers inter alia that of pardon in terms of section 6(3)(d) of the Constitution would not be appropriate in such cases.

UNITED
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Security Council

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S/24607
29 September 1992
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 29 SEPTEMBER 1992 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

The members of the Security Council have requested me to thank you for your report (S/24578) on the activities of the United Nations Transitional Authority in Cambodia (UNTAC). From the consultations I have held, it emerges that a number of Council members would like to have a little time to study the report with the attention it deserves and to determine what further action it requires.

I therefore propose to remain in contact with you in order to let you know when the Security Council will be ready to place this item on the agenda for its consultations.

(Signed) José AYALA LASSO
President of the Security Council

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